

June 2, 1997

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 2, 1997  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: None.

Also present: Interim City Manager Cecil Brown, City Attorney William I. Thornton, Jr., City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order and at this time, a proclamation was read proclaiming "Career Mentoring Week" in the City of Durham July 14-18, 1997.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. Interim City Manager Brown requested that the public hearings on GBA Items 11-13 be opened and continued until the June 16, 1997 City Council Meeting.

**SUBJECT: PROPOSED WASTE MANAGEMENT ACTIVITIES**

To inform the Community of proposed waste management activities and to receive citizens' comments.

Mayor Kerckhoff opened the hearing.

**MOTION** by Council Member Clement seconded by Council Member Wright to continue this item until the June 16, 1997 City Council Meeting was approved at 7:44 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: LANDFILL**

To receive citizens' comments pertaining to a landfill.

Mayor Kerckhoff opened the hearing.

**MOTION** by Council Member Clement seconded by Council Member Wright to continue this item until the June 16, 1997 City Council Meeting

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was approved at 7:44 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: ADOPTION OF A FRANCHISE ORDINANCE FOR OPERATION OF A LANDFILL**

To receive citizens' comments on the adoption of a franchise ordinance and the granting of a franchise for the City of Durham to operate a sanitary landfill.

To adopt a Franchise Ordinance for the City of Durham to Operate a Landfill.

Mayor Kerckhoff opened the hearing.

**MOTION** by Council Member Clement seconded by Council Member Wright to continue this item until the June 16, 1997 City Council Meeting was approved at 7:44 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

City Attorney Thornton requested a closed session after the regular business of council, Attorney/Client privilege. **[No priority items from the City Clerk]**

**MOTION** by Council Member Larson seconded by Council Member Wright to go into closed session after the regular business of council was approved at 7:45 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

Mayor Kerckhoff informed the council that as a part of the budget deliberations, a closed session was scheduled for Wednesday, June 4, 1997 regarding the Compensation for the newly appointed employees of the City Council [City Manager and City Attorney].

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items pulled]**

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**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the Consent Agenda was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

### **CONSENT AGENDA**

**SUBJECT: USE OF FEDERAL FORFEITURE FUNDS TO SUPPORT THE FEDERAL ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the use of Federal forfeiture funds in an amount up to \$20,000.00 to support the Federal Organized Crime Drug Enforcement Task Force was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: LEIGH FARM PARK PROPERTY LEASE - STATE OF NORTH CAROLINA**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute a Lease Agreement with the State of North Carolina for 18.2446 acres of property for the purpose of future development as part of the Leigh Farm Historic Park was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Member Hyman.

**SUBJECT: HILLSIDE PARK LANDSCAPE ARCHITECTURAL CONSULTANT SERVICES CONTRACT - HADEN-STANZIALE, INC.**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a contract with Haden-Stanziale, Inc. in the amount of \$56,500.00 with a contingency of \$8,500.00 for the design development, contract documentation, bidding assistance, and construction administration of Hillside Park was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick,

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Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: DOWNTOWN DURHAM LOAN POOL - ACQUISITION AND RENOVATION OF 318 HOLLAND STREET, KONTEK PARTNERS, FRANK B. KONHAUS AND WES NEWMAN**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute the Non-Recourse Loan Participation Agreement with Central Carolina Bank in an amount not to exceed \$61,000 to provide for participation by the City in the Central Carolina Bank loan to Kontek Partners, L.L.C. and Frank B. Konhaus and Wes Newman for the acquisition and renovation of 318 Holland Street and to execute related loan closing documents and to make minor changes to the Non-Recourse Loan Participation Agreement and other related loan closing documents as are consistent with the loan terms and the Downtown Loan Pool Program requirements approved by City Council was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: AGREEMENT WITH L&M GARBAGE SERVICE - PRIVATE REFUSE COLLECTOR**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into an agreement with L&M Garbage Service under which the City agrees to pay "economic loss" under NCGS 160A-49.3 for a sum of \$96,163.00. was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. L&M Garbage Service agrees that the above payment discharges the City's obligation to contract with them for service and agrees to waive all claims to appeal

**SUBJECT: AGREEMENT WITH WASTE MANAGEMENT OF RALEIGH-DURHAM - PRIVATE REFUSE COLLECTOR**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into an agreement with Waste Management of Raleigh-Durham under which the City agrees to pay "economic loss" under NCGS 160A-49.3 for a sum of \$9,781.68

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was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Waste Management of Raleigh-Durham agrees that the above payment discharges the City's obligation to contract with them for service and agrees to waive all claims to appeal.

**SUBJECT: AGREEMENT WITH WASTE INDUSTRIES, INC. - PRIVATE REFUSE COLLECTOR**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into an agreement with Waste Industries, Inc. under which the City agrees to pay "economic loss" under NCGS 160A-49.3 for a sum of \$20,595.00 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Waste Industries, Inc. agrees that the above payment discharges the City's obligation to contract with them for service and agrees to waive all claims to appeal.

**SUBJECT: INTERVENTION IN UTILITY RATE CASES**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt "A Resolution Rescinding Resolution No. 5579-A Concerning the City's Intervention in General Utility Rate Cases"; and

To direct the City Manager and City Attorney to notify the City Council when new General Rate Cases are filed by utilities serving Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Resolution #8342**

**SUBJECT: RESOLUTION MEMORIALIZING PETE SAITTA**

**MOTION** by Council Member Larson seconded by Council Member Griffin to direct the City Clerk to draft a resolution memorializing Pete Saitta was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown,

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Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: REPORT ON CABLE TELEVISION COVERAGE FOR COUNCIL COMMITTEES AND COMMITTEE-OF-THE-WHOLE MEETINGS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to receive a report from the Administration concerning the possibility of cable television coverage for Council Committees and Committee-of-the-Whole meetings was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: GRANT AWARD FROM THE U. S. DEPARTMENT OF JUSTICE TO FUND A DOMESTIC VIOLENCE TASK FORCE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the grant award from the U. S. Department of Justice in the amount of \$321,465.00 and authorize the City Manager to sign the award package; and

To adopt the City of Durham and the Office of Justice Programs "FY 1996 Grants to Encourage Arrest Policies Related to Domestic Violence" Grant Project Ordinance was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11130**

**SUBJECT: PROPOSED AMENDMENT TO ZONING ORDINANCE, CASE P97-49, DESIGNATING REZONING OF POTENTIAL LANDFILL SITE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt "A Resolution Designating Rezonning of Potential Landfill Site as Council-Initiated and Setting a Public Hearing Concerning Such Map Change (Case P97-49 - City of Durham)"--public hearing June 16, 1997 for the following matter was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes:

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None. Absent At Time of Vote: Council Member Hyman.

**Resolution #8343**

Case: P97-49

Initiated by: City of Durham

Location: 102± acres located northwest of the intersection of East Club Boulevard and Glenn Road, within the city limits of Durham. The existing City of Durham solid waste landfill is located to the south of the site (Tax Map 617, Block 1, Lots 2 [partial], 4A [partial], 4B [partial], and 5 [partial]).

Request: Rezoning from RD, I-2, I-2(D) to I-3(D); Change in Development Plan; F/J-B Overlay.

**SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT CLARIFYING  
PROCEDURE FOR CHANGES IN DEVELOPMENT PLANS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Designating Zoning Code Amendment Regarding Changes in Development Plans as a Council-Initiated Zoning Amendment and Setting a Public Hearing Concerning Such Amendment"-**-public hearing June 16 1997** was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Resolution #8344**

**SUBJECT: PROPOSED ACQUISITION OF REPLACEMENT SITE FOR FIRE  
STATION #4, D. R. LANE CONSTRUCTION COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the Option to Purchase property for \$150,000.00 from D. R. Lane Construction Company, such property being half of the 3.697 acre tract, or approximately 80,510.00 square feet, or 1.848 acres, shown on Tax Map #397-01-05; and

To authorize the payment of \$5,000.00 to secure the Option was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

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**SUBJECT: RELOCATION ASSISTANCE COST ESTIMATES FOR FUTURE CITY-FUNDED PROJECTS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to receive a report from the Administration regarding relocation assistance cost estimates for City-funded projects was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: PROPOSED FIVE-YEAR LAND LEASE OF PORTION OF CITY TRACT 91 LOCATED ON THE EAST SIDE OF ALSTON AVENUE - TECSTAR, INC.**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to 1) execute a five-year lease agreement to lease a portion of City Tract 91 located on the east side of Alston Avenue to Tecstar, Inc. for use as a parking lot, and 2) to make minor changes to the contract provided such changes do not materially affect the intent and purpose of the lease was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: REPORT ON FAYETTEVILLE/PILOT REVITALIZATION PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Griffin to receive a report from the Administration on the Fayetteville/Pilot Revitalization Program; and

To refer to Asset Management the negotiation for acquisition by voluntary means of the property located at 425 Pilot Street--status report to be given at the June 9, 1997 Public Works Committee meeting was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: SOLID WASTE MANAGEMENT PLAN**

**MOTION** by Council Member Larson seconded by Council Member Griffin to receive the Solid Waste Management Plan to consider for



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approval; and

To adopt a resolution setting a public hearing on Monday, June 16, 1997 to receive citizens' comments on the Plan was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Resolution #8345**

**SUBJECT: AMENDMENT TO INTERLOCAL COOPERATIVE AGREEMENT FOR DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute an Amendment to the Interlocal Cooperative Agreement for the Disposal of Household Hazardous Waste between the County of Chatham, the County of Durham, the County of Wake, the Town of Carrboro, the Town of Chapel Hill, and the City of Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: AFTERSCHOOL SERVICES CONTRACT - DURHAM COUNTY AREA MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE AUTHORITY**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a contract with Durham County Area Mental Health, Developmental Disabilities and Substance Abuse Authority for afterschool services was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: CONTRACT ST-169, LIBERTY STREET/GUTHRIE AVENUE NEW SIDEWALK CONSTRUCTION, HOLMES CONTRACTING, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute a contract with Holmes Contracting, Incorporated for Contract ST-169; and

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To authorize the expenditure of \$164,500.00 from the New Sidewalk Construction Account was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: MULCH GIVEAWAY PROGRAM STATUS REPORT**

**MOTION** by Council Member Larson seconded by Council Member Griffin to receive a report from the Engineering Department on the status of the mulch giveaway program was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: SIGNAL PREEMPTION AT LIBERTY STREET AND TRACK OF RAILWAY LOCATED AT MILEPOST 113.6 - NORFOLK AND WESTERN RAILWAY COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into an Agreement with Norfolk and Western Railway Company for the traffic signal preemption at the intersection of Liberty Street and track of railway located at Milepost 113.6 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: BID REPORT - APRIL 1997**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of April 1997 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR TIRES AND TUBES INCLUDING MOUNTING SERVICE FOR FIRE SERVICE VEHICLES,**

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**NU-TREAD TIRE COMPANY, INC.**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid from Nu-Tread Tire Company, Inc. in the amount of \$333,527.07 for tires and tubes for the Fleet Maintenance Department (Section I) and tires and tubes for the Fire Department including mounting service for fire service vehicles (Section II) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: BIDS - TWO 4-WHEEL DRIVE BACKHOE LOADER TRACTORS, NORTH CAROLINA EQUIPMENT COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid from North Carolina Equipment Company in the amount of \$127,994.00 for furnishing the City with two 4-wheel drive backhoe loader tractors; and

To waive the requirement for a Performance Bond was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR BIOXIDE (72,000 GALLONS), U. S. FILTER DISTRIBUTION GROUP, INC.**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid from U.S. Filter/Davis Process, U.S. Filter Distribution Group, Inc. in the amount of \$133,920.00 for furnishing the City with its estimated annual requirements for bioxide (72,000 gallons) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: BIDS - STATE OF NORTH CAROLINA WATER TREATMENT CHEMICAL CONTRACT**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a contract with the

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State of North Carolina in the amount of \$224,721.00 for water treatment chemicals (liquid caustic soda, liquid chlorine and hydrated lime) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: PARKING PROHIBITION - BUCHANAN BOULEVARD**

- 1) **MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance to repeal Ordinance #3469, adopted 4/17/72, which prohibited parking on the east side of Buchanan Boulevard in the area beginning at a point at the south curb line of Green Street, if extended, and extending from that point southwardly for a distance of 190 feet; and
- 2) To adopt an ordinance to prohibit parking at any time on the east side of Buchanan Boulevard in the area beginning at the south curb line of Green Street, if extended, and extending for a distance of 170 feet southwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11131**  
**Ordinance #11132**

**SUBJECT: PARKING PROHIBITION - NORTH HYDE PARK AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance prohibiting parking of vehicles at any time on the west side of North Hyde Park Avenue in the area beginning at the south curb line of Liberty Street, if extended, and extending for a distance of 124 feet southwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11133**

**SUBJECT: PARKING PROHIBITION - ODYSSEY DRIVE**

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- 1) **MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance to repeal Ordinance #11053, adopted 3/17/97, which prohibited parking at all times on the south side of Odyssey Drive, in the area beginning at the east curb line of Penrith Drive, if extended, and extending for a distance of 420 feet eastwardly; and
- 2) To adopt an ordinance to prohibit parking at all times on the north side of Odyssey Drive, in the area beginning at the east curb line of Penrith Drive, if extended, and extending for a distance of 420 feet eastwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11134**

**Ordinance #11135**

**SUBJECT: STOP SIGNS - CALUMET HILLS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Porter Circle at Calumet Drive, northwest corner
- 2) Bair Circle at Calumet Drive, northwest corner

was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11136**

**SUBJECT: STOP SIGN - CELESTA CIRCLE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a stop sign on Celesta Circle at Crossland Drive, northeast corner was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick,

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Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11137**

**SUBJECT: STOP SIGN - DREXALL AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a stop sign on Drexall Avenue at Ellerbee Street, southeast corner was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11138**

**SUBJECT: STOP SIGNS - HUNTERS FOREST, HOPE VALLEY SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) On Branchview Drive at Juliette Drive, northwest corner
- 2) On Fallenwood Avenue at Branchview Drive, northeast corner;
- 3) On Homestead Court at Fallenwood Avenue, north corner
- 4) On Kilbreth Avenue at Fallenwood Avenue, north corner

was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11139**

**SUBJECT: STOP SIGN - MARTIN STREET**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a stop sign on Martin Street at Arlene Street, southeast corner was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright.

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Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11140**

**SUBJECT: STOP SIGNS - PIPER STREET SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Piper Street at Emily Street, southwest corner
- 2) Emily Street at Belvin Avenue, northwest corner
- 3) Piper Street at Allgood Street, northeast corner

was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11141**

**SUBJECT: HANDICAP PARKING - NORTH ROXBORO ROAD**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance establishing handicap parking on the east side of North Roxboro Road beginning at a point 50 feet south of the south curb line of Edward Street, if extended, and extending for a distance of 24 feet southwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11142**

**SUBJECT: HANDICAP PARKING - FOSTER STREET**

- 1) **MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance to repeal Ordinance #7876, adopted 8/21/89, which established handicap parking on the west side of Foster Street beginning at a point 156 feet south of the south curb line of Morgan Street, if extended, and extending from that point southwardly for a distance of 22 feet; and

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- 2) To adopt an ordinance establishing handicap parking on the west side of Foster Street beginning at a point 134 feet south of the south curb line of Morgan Street, if extended, and extending for a distance of 44 feet southwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11143**

**Ordinance #11144**

**SUBJECT: TAXICAB STAND**

- a. **MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance to repeal Ordinance #7878, adopted 8/21/89 which established a two-space taxicab stand on the west side of Foster Street in the area beginning at a point 112 feet south of the south curb line of Morgan Street, if extended, and extending from that point southwardly for a distance of 44 feet; and
- b. To adopt an ordinance establishing a taxicab stand on the west side of Foster Street in the area beginning at a point 112 feet south of the south curb line of Morgan Street, if extended, and extending for a distance of 22 feet southwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**Ordinance #11145**

**Ordinance #11146**

**SUBJECT: STREET ACCEPTANCE - HOPE VALLEY FARMS, HUNTERS FOREST, PHASE II, AND CAMBRIDGE VILLAGE SUBDIVISIONS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept certain streets in the Hope Valley Farms, Hunters Forest, Phase II, and Cambridge Village Subdivisions, as listed below, for maintenance by the City of Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard,



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Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

Hope Valley Farms - Hunters Forest, Phase II

1. Fallenwood Avenue - from the end of Phase I (Sta 16 + 65) westward to the centerline of Branchview Drive (665')
2. Branchview Drive - from the centerline of Juliette Drive north thru the cul-de-sac (386')
3. Homestead Court - from the centerline of Fallenwood Avenue northward thru the cul-de-sac (272')
4. Kilbreth Lane - from the centerline of Fallenwood Avenue northward thru the cul-de-sac (337')

Cambridge Village

1. Alhambra Court - from the centerline of Fidelity Drive west thru the cul-de-sac (203')
2. Fidelity Drive - from the centerline of Fiske Street northward looping around to the centerline of Fidelity Drive (2,663')

**SUBJECT: TIME PAYMENT PETITIONS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the eight Time Payment Petitions listed below was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

1. Norbert G. and D. Margaret Bleau - 3801 Valley Drive - Sewer Lateral
2. Albert L. and Carolyn S. Brese - 2022 Hillock Place - Water Lateral and Water Capital Facility Fee
3. Steven and Janet Devries - 1346 Ellis Road - Sewer Lateral and Sewer Capital Facility Fee
4. Bernie E. and Donald E. Glenn - 1605 Holloway Street - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer

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**Capital Facility Fee**

5. Jerald W. and Rebecca G. Hill, Jr. - 3709 S. Alston Avenue - Sewer Lateral and Sewer Capital Facility Fee
6. Franklin D. Hooker - 1316 Ellis Road - Sewer Lateral
7. Edward R. and Jane A. Roberson - 1522 Marly Drive - Sewer Lateral and Sewer Capital Facility Fee
8. Jack S. and Joyce K. Warren - 1343 Ellis Road - Sewer Lateral and Sewer Capital Facility Fee

**SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt resolutions setting public hearings on Monday, June 16, 1997 for confirmation of the following assessment rolls:

- a. **Sewer Main - N.C. 98** from Little Lick Creek Outfall to Mineral Springs Road;
- b. **Water Main - Alston Avenue (West Side)** from south property line of Tax Map 570-3-6 to north property line of Tax Map 570-3-8 and **Alston Avenue (East Side)** from south property line of Tax Map 570-2-9 to north property line of Tax Map 570-2-5.
- c. **Sewer Main - Old Oxford Road** from west property line of Tax Map 330-1-12 to east property line of Tax Map 740-2-23A; and
- d. **Water Main - South Alston Avenue** from south property line of Tax Map 572-1-17D to north property line of Tax Map 570-3-5

was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the official minutes of the regular May 5, 1997 City Council Meeting was approved at 7:49 p.m. by the following vote:

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Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

## **GENERAL BUSINESS AGENDA**

**SUBJECT: WEST VILLAGE PROJECT - BLUE DEVIL VENTURES**

Brian Davis, representing Blue Devil Ventures, addressed the council stating they would be willing to hold this matter until June 12, 1997.

Mayor Kerckhoff stated that June 12, 1997 was a Committee-of-the-Whole date and the West Village Project item would be heard at a Special City Council Meeting beginning at 8:30 a.m.

**MOTION** by Council Member Cox seconded by Council Member Brown to allow comments from the citizens tonight on West Village Project was approved at 7:54 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Langley, McKissick and Wright. Noes: Mayor Kerckhoff and Council Members Miller, Larson and Griffin. Absent At Time of Vote: Council Member Hyman.

### **[PUBLIC HEARINGS]**

**SUBJECT: 1997 INSTALLMENT PURCHASE - NEW DURHAM CORPORATION**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Griffin to receive citizens comments on the 1997 installment purchase; and

To adopt a "Resolution of the City of Durham, North Carolina Approving an Amendment to an Installment Purchase Contract with New Durham Corporation and Related Matters" was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

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**Resolution #8346**

**SUBJECT: Water and Sewer Laterals - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive (Mini Assessment Roll)--**Property of Tri-Center North Limited Partnership**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Griffin to reconsider water and sewer lateral assessments against certain properties, identified below, of Tri-Center North Limited Partnership;

To find that the property of Tri-Center North Limited Partnership, identified as Tax Map #569-1-1, 1922 Eastwood Drive, 29.41 acre-tract, has not benefited from the improvements and to relieve the water lateral assessment in the amount of \$315.30 and the sewer lateral assessment in the amount of \$418.70; and

To find that the property of Tri-Center North Limited Partnership, identified as Tax Map #569-1-1D, Eastwood Drive, .62 acre-tract, has benefited from the improvements and to confirm the water lateral assessment in the amount of \$315.30 and the sewer lateral assessment in the amount of \$418.70 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: Sewer Main - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive (Mini Assessment Roll)--**Property of Tri-Center North Limited Partnership**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Griffin to reconsider the sewer main assessments against certain properties, identified below, of Tri-Center North Limited Partnership;

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To find that the property of Tri-Center North Limited Partnership, identified as Tax Map #569-1-1, 1922 Eastwood Drive, 29.41 acre-tract, has not benefited from the sewer main improvement and to relieve the assessment in the amount of \$11,648.48; and

To find that the property of Tri-Center North Limited Partnership, identified as Tax Map #569-1-1D, Eastwood Drive, .62 acre-tract, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$2,910.87 (partial relief granted in accordance with City policy) was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: Curb, Gutter and Paving - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive (Mini Assessment Roll)--**Property of Tri-Center North Limited Partnership**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Griffin to reconsider the curb, gutter, and paving assessments against certain properties, identified below, of Tri-Center North Limited Partnership;

To find that the property of Tri-Center North Limited Partnership, identified as Tax Map #569-1-1, 1922 Eastwood Drive, 29.41 acre-tract, has benefited from the improvements and to confirm the assessment in the amount of \$16,657.00;

To find that the property of Tri-Center North Limited Partnership, identified as Tax Map #569-1-1D, Eastwood Drive, .62 acre-tract, has benefited from the improvements and to confirm the assessment in the amount of \$4,312.40 (partial relief granted in accordance with City policy) was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: SEWER MAIN PROJECT - GREYMOSS AND TRAPPER'S CREEK SUBDIVISION**

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a resolution confirming the Assessment Roll for **Sewer Main on Riverdale Drive** from Umstead Road to Hallmark Road, **Sunny Oak Place** from Riverdale Drive to cul-de-sac; **Hallmark Road** from Umstead Road to north property line of Tax Map 835-4-34; **Redding Lane** from Bayleaf Drive to east property line of Tax Map 835-3-15; **Bayleaf Drive** from Hallmark Road to cul-de-sac; **Bessemer Place** from Hallmark Road to cul-de-sac; **Fairoaks Road** from Riverdale Drive to north property line of Tax Map 835-4-4; **Ventura Drive** from Fairoaks Road to Brocton Place and **Trappers Court** from Riverdale Drive to cul-de-sac was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: Sewer Main on Riverdale Drive** from Umstead Road to Hallmark Road, **Sunny Oak Place** from Riverdale Drive to Cul-de-sac; **Hallmark Road** from Umstead Road to North Property Line of Tax Map 835-4-34; **Redding Lane** from Bayleaf Drive to East Property Line of Tax Map 835-3-15; **Bayleaf Drive** from Hallmark Road to Cul-de-sac; **Bessemer Place** from Hallmark Road to Cul-de-sac; **Fairoaks Road** from Riverdale Drive to North Property Line of Tax Map 835-4-4; **Ventura Drive** from Fairoaks Road to Brocton Place and **Trappers Court** from Riverdale Drive to Cul-de-sac (**Mini Assessment Roll**)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. Property of Mark A. and Catherine E. Stern

**MOTION** by Council Member Larson seconded by Council Member Griffin to find that the property of Mark A. and Catherine E. Stern, identified as Tax Map #820-2-3, 211 Riverdale Drive, Lot 3, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,145.80 (partial relief granted due to additional plumbing expenses) was approved at 7:56 p.m. by the

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following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

b. Property of John B. and Margaret F. Cline

**MOTION** by Council Member Larson seconded by Council Member Griffin to find that the property of John B. and Margaret F. Cline, identified as Tax Map #835-7-10A, 2003 Redding Lane (Hallmark Road side) has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$2,405.85 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service; and

To find that the property of John B. and Margaret F. Cline, identified as Tax Map #835-7-10A, 2003 Redding Lane, Lot 11, vacant, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$5,705.06 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

c. Property E. Judson Pickett, Trustee

**MOTION** by Council Member Larson seconded by Council Member Griffin to find that the property of E. Judson Pickett, Trustee, identified as Tax Map #835-7-5A, 2029 Redding Lane, no lot number, vacant, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$4,118.91 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

d. Property of John R. and Patricia A. Dawkins

**MOTION** by Council Member Larson seconded by Council Member Griffin to find that the property of John R. and Patricia A. Dawkins, identified as Tax Map #835-4-11, 5312 Fair Oaks Road, Lot 4, has

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benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,310.80; and

To find that the property of John R. and Patricia A. Dawkins, identified as Tax Map #835-4-11, unnumbered lot (community well site), has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$3,310.80 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

e. Property of Allan G. and Jillian O. Simpson

**MOTION** by Council Member Larson seconded by Council Member Griffin to find that the property of Allan G. and Jillian O. Simpson, identified as Tax Map #835-4-9, 5324 Fair Oaks Road, Lot 7, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,310.80; and

To find that the property of Allan G. and Jillian O. Simpson, identified as Tax Map #835-4-9, unnumbered lot (community well site) has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$3,310.80 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman.

**SUBJECT: FISCAL YEAR 1997-98 CITY OF DURHAM PRELIMINARY BUDGET**

To receive citizens' comments concerning the FY 1997-98 City of Durham Preliminary Budget.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Terry Allebaugh, Chairman of the Substandard Housing Committee, spoke in support of the Campaign for Decent Housing.

Grace Blackwell-Jones, representing Northwest Central PAC District



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2, asked council to fund an Environmental Court to speed up Housing Code enforcement.

Mary Evans, representing Partners Against Crime District 4, spoke in support of changing the Housing Code to require that homes be repaired instead of boarded up.

Rev. Carl Kinney spoke in support of adding two new Housing Inspectors to target the worst housing.

Ellen Dagenhart, representing the Durham Association of Realtors, spoke in support of decent housing.

Muna Mujahid, representing the Southwest Central PAC, asked council to budget \$25,000 for relocation assistance to help at least 25 families who must move due to code enforcement.

Hazeline Umstead, representing the Southwest Central PAC, spoke in support of the city hiring more housing inspectors.

Harry Dawley, representing the Inter-Neighborhood Council, spoke in support of the Campaign for Decent Housing.

Rogelio Valencia, Associate Pastor of Miracle Life Christian Church, spoke in support of Hispanics being able to obtain decent housing.

Virginia Bowman, representing the Durham Arts Council, spoke in support of the penny and one-half for the arts in the upcoming budget. Ms. Bowman also stated it would be necessary for the council to delegate to the Durham Arts Council Board the authority to give final approval of arts grant program projects.

John Schelp, representing the People's Alliance, applauded the decision to include a position for a solid waste coordinator in the proposed budget and the proposal to ban recyclables from the landfill. Mr. Schelp also noted that 1) Site 12 is the most economical and environmentally sound alternative for a landfill; 2) Support the creation of a new position of economic development director for Durham City/County; 3) Support the Campaign for Decent Housing; and 4) Support spending funds on open space and trails and oppose the proposal to use open space and trails bond funds to finance the Blue Devil Venture's West Village Project.

Michael Thorpe spoke in support of the inclusion of a Waste Reduction Coordinator in the upcoming budget.

Ray Eurqhart, spoke in support of the Campaign for Decent Housing. He asked the council to add two new housing inspectors to target

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the worst housing.

Julius Bartell spoke in support of horseshoe courts being constructed in Durham.

Catherine Roulette spoke in support of the Campaign for Decent Housing.

Rev. Frederick Davis spoke in support of the budget in all the areas where people lives would be affected.

Mayor Kerckhoff closed the public hearing.

**MOTION** by Council Member Wright seconded by Council Member Miller to receive citizens' comments concerning the FY 1997-98 City of Durham Preliminary Budget was approved at 8:29 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: PROPOSED RENAMING OF WILLARD STREET TO JACKIE ROBINSON DRIVE AND JACKIE ROBINSON PLACE TO WILLARD COURT**

To receive citizens' comments concerning the renaming of Willard Street to Jackie Robinson Drive and Jackie Robinson Place to Willard Court.

To adopt "A Resolution to Rename Streets Within the City of Durham":

**Willard Street** (south from Chapel Hill Street to Fayetteville Street) - **Jackie Robinson Drive**

**Jackie Robinson Place** (east from Blackwell Street to Mangum Street) - **Willard Court**

A motion was made by Council Member McKissick to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Anne Guyton stated the proposal being presented this evening was not the best solution. She noted if the motion passed as printed, there would be two additional sections of Willard Street which

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already exist and would need to be resolved.

**SUBSTITUTE MOTION** by Council Member Wright seconded by Council Member Brown to continue the public hearing until the June 16, 1997 City Council Meeting to allow the council an opportunity to review the two additional sections of Willard Street was approved at 8:47 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC97-1) - 26,528± SQUARE FEET OF SEMINARY STREET**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

The following citizens spoke in support of closing Seminary Street: David Byrd, Karrene Mills, Stephanie Tolliver, Lee Sorensen, Joan Pollettier, David Blivin, Steve Hilton, and Bill Kalkhof.

The following citizens spoke in opposition to the street closing: Rob Shoaf and Anne Guyton.

Mayor Kerckhoff closed the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Miller to adopt an "Order Permanently Closing 26,528± Square Feet of Seminary Street" **FAILED** at 9:27 p.m. by the following vote: Ayes: Mayor Kerckhoff and Council Members Clement, Miller, Larson and Griffin. Noes: Mayor Pro Tem Robinson and Council Members Langley, Hyman, Cox, Engelhard, McKissick, Brown and Wright. Absent: None.

**SUBJECT: STREET CLOSING (SC94-20) - 38,161 SQUARE FEET OF CENTER STREET AND 15,375 SQUARE FEET OF GALLATIN STREET**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ed Brawley spoke in support of the street closing.

No one spoke in opposition. The public hearing was declared closed.

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**MOTION** by Council Member Clement seconded by Council Member Miller to adopt an "Order Permanently Closing 38,161 Square Feet of Center Street and 15,375 Square Feet of Gallatin Street was approved at 9:29 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**Ordinance #11147**

**SUBJECT: TAXICAB COMMISSION REPORT**

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--pursuant to Section 22.159.10 of the Durham City Code:

a. Denial of Driver's Permit - Milton D. Patterson

Taxicab Inspector's Recommendation: Deny Driver's Permit (in accordance with City Code)

Taxicab Commission's Recommendation: Approve a six-month probationary permit with no traffic violations during that period. Vote 4-0

**MOTION** by Council Member Wright seconded by Council Member Clement to approve the Taxicab Commission's recommendation [approve a six-month probationary permit with no traffic violations during that period] was approved at 9:30 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

b. Violation of State Statute 20-66(h) - Bama Cab Company

Taxicab Inspector's Recommendation: Revoke Operator's License #171 (in accordance with City Code)

Taxicab Commission's Recommendation: Allow to operate with no future violations of any part of the City Taxicab Ordinance. Vote 4-0

**MOTION** by Council Member Wright seconded by Council Member Clement to approve the Taxicab Commission's recommendation [allow to operate with no future violations of any part of the City Taxicab Ordinance] was approved at 9:30 p.m. by the following vote: Ayes:

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Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

c. Transfer of Operator's License - Courtesy Cab #79

Taxicab Inspector's Recommendation: Transfer Operator's License #79 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer. Vote 4-0

**MOTION** by Council Member Wright seconded by Council Member Clement to approve the Taxicab Commission's recommendation [approve transfer] was approved at 9:30 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: JACKIE ROBINSON PLACE LEASE - CBC REAL ESTATE, INC.,  
DIAMOND VIEW OFFICE BUILDING**

To authorize the City Manager to execute a lease with CBC Real Estate, Inc. for the lease of the former right-of-way of Jackie Robinson Place and adjacent City property for an initial annual rental of \$22,080 for the construction and use as a surface parking lot for the Diamond View Office Building proposed to be constructed on an adjacent property.

To authorize the City Manager to make minor changes to the lease that do not affect the rent, term, or intended use of the property as stated in the lease.

**Note: At the Committee-of-the-Whole Meeting, council voted to continue this matter until the June 16, 1997 City Council Meeting.**

**SUBJECT: WEST VILLAGE PROJECT - BLUE DEVIL VENTURES**

To adopt a "City of Durham Capital Project Ordinance - West Village Project."

To adopt a policy establishing a Downtown Infrastructure Fund to be capitalized from 50% of the City's property taxes for a rolling six-year period. The first use of the money in this account will be to replace urban trails funds appropriated for the West Village

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Project. Remaining funds to be available for other downtown infrastructure improvements.

To adopt a "Capital Project Ordinance Superseding Ordinance #10767 Concerning Open Space and Greenway Preservation."

To adopt a Reimbursement Resolution concerning the West Village Project.

John Pedersen, Finance Director, distributed to council a handout revising the second motion on the agenda to read as follows: To adopt a policy establishing a Downtown Infrastructure Fund to be capitalized **with an amount equal** to 50% of the City's property taxes for a rolling six-year period. The first use of the money in this account will be to replace urban trails funds appropriated for the West Village Project. Remaining funds to be available for other downtown infrastructure improvements.

Also, Mr. Pedersen briefed council on the following: 1) Downtown Infra-structure Fund Alternatives 1 and 2; and 2) Greenway Spending Projections.

The following citizens spoke in opposition to using Open Space and Trails Bond funds for the West Village Project: Pamela Bythe, Annette Montgomery, R. Kelly Bryant, Howard Dubose, Jerry Emerson, Larry Holt, and Jerry Schelp.

The following citizens spoke in support of the proposal using Open Space and Trails Bond funds: Bill Kalkhof.

The following citizens stated the city needed to put in place some type of standard in order to insure full community participation for this proposal: Larry Hall and Jeremiah Edwards.

**MOTION** by Council Member Larson seconded by Council Member Clement to continue this item until the Special City Council Meeting scheduled for June 12, 1997 8:30 a.m. was approved at 10:43 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Cox. Absent: None.

**SUBJECT: REALIGNMENT OF WARD BOUNDARIES**

Dwight Yarborough, of the City/County Planning Department, addresssed council noting two minor corrections to the proposed ordinance.

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**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report on the realignment of ward boundaries; and

To adopt "An Ordinance Amending Election Ward Boundaries" as amended was approved at 10:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Cox. Absent: None.

**Ordinance #11148**

**SUBJECT: ORDINANCE AMENDING CHAPTER 10 OF THE DURHAM CITY CODE RELATING TO CITY GARBAGE COLLECTION**

To adopt an "Ordinance Amending Chapter 10 of the Durham City Code Relating to City Garbage Collection"--establishes guidelines for stationary containers and roll-out carts.

**Note: At the Committee-of-the-Whole Meeting on Thursday, May 29, 1997, Council voted to refer this item to the June 9, 1997 Public Works Committee Meeting.**

**SUBJECT: SOLID WASTE DISPOSAL**

To receive a report from the Administration on solid waste disposal.

**Note: At the Committee-of-the-Whole Meeting on Thursday, May 29, 1997, Council voted to continue this matter at the June 16, 1997 City Council Meeting. [Report to be given at the June 12, 1997 Committee-of-the-Whole Meeting]**

**SUBJECT: 1997-98 BEER AND WINE LICENSES**

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to approve the issuance of 1997-98 Beer and Wine Licenses to the establishments listed in the attachment **except** China One Restaurant, 4325 Highway 55; Chinatown Restaurant, 3500 N. Roxboro Road; Grill 55, 2601 Apex Highway; R & W of Durham, Inc. (DBA Pizza Palace of Durham), 2002 Hillsborough Road; Shell's Steak House, 2818 Chapel Hill Road; Spartacus Restaurant, 4139 Chapel Hill Boulevard; Torero's IV, Inc., 4125 Chapel Hill Boulevard; Fosters Market, Inc., 2694 Chapel Hill Boulevard; Harris Teeter

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#172, 1817 Martin Luther King, Jr. Parkway; Johnny's Foodland, 4701 Hillsborough Road; American Legion Post #7, 406 E. Trinity Avenue; Coleman's, 1006 Pettigrew Street; El Toro Club, 608 South Hoover Road; PJ's Sports Bar, 2223 Highway 54; Treyburn Country Club, One Old Trail Drive; Wyndham Garden Hotel, 4620 S. Miami Boulevard was approved at 10:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

- b. **MOTION** by Council Member Larson seconded by Council Member Miller to approve the issuance of 1997-98 Beer and Wine Licenses to China One Restaurant, 4325 Highway 55; Chinatown Restaurant, 3500 N. Roxboro Road; Grill 55, 2601 Apex Highway; R & W of Durham, Inc. (DBA Pizza Palace of Durham), 2002 Hillsborough Road; Shell's Steak House, 2818 Chapel Hill Road; Spartacus Restaurant, 4139 Chapel Hill Boulevard; Torero's IV, Inc., 4125 Chapel Hill Boulevard; Fosters Market, Inc., 2694 Chapel Hill Boulevard; Harris Teeter #172, 1817 Martin Luther King, Jr. Parkway; Johnny's Foodland, 4701 Hillsborough Road; American Legion Post #7, 406 E. Trinity Avenue; Coleman's, 1006 Pettigrew Street; El Toro Club, 608 South Hoover Road; PJ's Sports Bar, 2223 Highway 54; Treyburn Country Club, One Old Trail Drive; Wyndham Garden Hotel, 4620 S. Miami Boulevard was approved at 10:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: Council Members Brown and Wright. Absent: None.

**Note: See Attachment #2 for itemized listing of Beer and Wine Licenses.**

**[SUPPLEMENTAL AGENDA]**

**SUBJECT: PROPOSED ACQUISITION OF VACANT LAND FOR THE AMERICAN TOBACCO TRAIL, PROPERTY OF ABD ASSOCIATES LIMITED PARTNERSHIP**

**MOTION** by Council Member Clement seconded by Council Member Larson to authorize the acquisition of approximately 1.47 acres, land only, Tax Map 206-050-002 partial (seller to retain approximately 11,000 square feet) and Tax Map 207-06-002, property of ABD



**June 2, 1997**

Associates Limited Partnership for \$110,000.00 was approved at 10:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned into closed session.

**[OPEN SESSION]**

**MOTION** by Council Member Larson seconded by Council Member Griffin to release the ballots from the Closed Session held on May 19, 1997 at 6:00 p.m. was approved at 11:15 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk